

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MATTHEW R. PEREZ,

Plaintiff,

v.

R. BINKELE, et al.,

Defendants.

Case No. [18-cv-04856-SI](#)

**ORDER SUBSTITUTING TRUE
DEFENDANT IN PLACE OF DOE
DEFENDANT AND FOR SERVICE OF
PROCESS**

Re: Dkt. No. 10

In the order of service filed December 19, 2018, the court ordered service of process on five defendants and instructed plaintiff to find the true name and address so that a defendant identified as “Jane Doe SBC” could be served. Docket No. 9 at 9.

Plaintiff recently filed a “notice and motion to supplement complaint to name and identify defendant Jane Doe ‘SBC.’” Docket No. 10. In that document, plaintiff stated that Jane Doe’s true name is Sunni B. Clement, a nurse at Natividad Medical Center. The court deems the motion to be a motion to amend the complaint, and GRANTS the motion. Docket No. 10. The complaint is deemed to be amended to replace defendant Jane Doe SBC with defendant Sunni B. Clement. All references to Jane Doe SBC in the complaint are deemed to be references to Sunni B. Clement.

Service of process must now be undertaken as to defendant Sunni B. Clement. Additionally, services of process must now be undertaken as to the other five named defendants as well because service of process was not accomplished on any of them due to an oversight at the courthouse.

In order to move this action toward resolution, the court now orders service of process to occur and resets the deadlines for dispositive motions:

1 1. The clerk shall issue a summons and the United States Marshal shall serve,
2 without prepayment of fees, the summons, and a copy of the complaint, the order of service, the
3 “motion to supplement” (Docket No. 10), and this order upon the following defendants:

- 4 - ISU lieutenant E. Moore (at Salinas Valley State Prison)
5 - ISU officer R. Salgado (at Salinas Valley State Prison)
6 - ISU officer A. Franco (at Salinas Valley State Prison)
7 - ISU officer J. Peffley (at Salinas Valley State Prison)
8 - Dr. Jeffrey H. Bass (at Natividad Medical Center)
9 - Nurse Sunni B. Clement (at Natividad Medical Center)

10 2. The court now sets the following new deadlines in place of the briefing
11 schedule in the order of service:


12 a. No later than **April 26, 2019**, defendants must file and serve a motion
13 for summary judgment or other dispositive motion. If defendants are of the opinion that this case
14 cannot be resolved by summary judgment, defendants must so inform the court prior to the date the
15 motion is due.

16 b. Plaintiff's opposition to the summary judgment or other dispositive
17 motion must be filed with the court and served upon defendants no later than **May 24, 2019**. Plaintiff
18 must bear in mind the notice and warning regarding summary judgment provided in the order of
19 service as he prepares his opposition to any motion for summary judgment.

20 c. If defendants wish to file a reply brief, the reply brief must be filed
21 and served no later than **June 7, 2019**.

22 **IT IS SO ORDERED.**

23 Dated: February 20, 2019

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26 SUSAN ILLSTON
27 United States District Judge
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